

United States District Court

For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 JAROM VAHAI,

11 Plaintiff,

No. C 13-03859 JSW

12 v.

13 UNITED AIRLINES, INC. and DOES 1-50,
inclusive,

**ORDER REGARDING FAILURE
TO OPPOSE SUMMARY
JUDGMENT MOTION**

14 Defendants.

15 _____ /
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17 On December 8, 2014, United Airlines, Inc. filed a motion for summary judgment.

18 Plaintiff's opposition was due to be filed no later than December 22, 2014. The motion is set
19 for hearing on February 6, 2015 at 9:00 a.m. and the Court has not received any further filings
20 by either party since the summary judgment motion was filed.

21 Plaintiff should be aware that failure to oppose a proper motion for summary judgment
22 may result in the dismissal of this case with prejudice. A motion for summary judgment under
23 Rule 56 of the Federal Rules of Civil Procedure will, if granted, end Plaintiff's case. *See Rand*
24 *v. Rowland*, 154 F.3d at 952, 963-64 (9th Cir. 1998).

25 A principal purpose of the summary judgment procedure is to identify and dispose of
26 factually supported claims. *See Celotex Corp. v. Cattrett*, 477 U.S. 317, 323-24 (1986). In
27 order to withstand a motion for summary judgment, the opposing party must set forth specific
28 facts showing that there is a genuine issue of material fact in dispute. Fed. R. Civ. P. 56(e). A

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1 dispute about a material fact is genuine “if the evidence is such that a reasonable jury could
2 return a verdict for the nonmoving party.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242,
3 248 (1986). In the absence of such facts, “the moving party is entitled to a judgment as a matter
4 of law.” *Celotex Corp.*, 477 at 323.

5 In opposing summary judgment, Plaintiff is not entitled to rely on the allegations of his
6 complaint. *See Fed. R. Civ. P. 56(e); cf. S. A. Empresa de Viacao Aerea Rio Grandense (Varig*
7 *Airlines) v. Walter Kidde & Co.*, 690 F.2d 1235, 1238 (9th Cir. 1982) (stating that “a party
8 cannot manufacture a genuine issue of material fact merely by making assertions in its legal
9 memoranda”). Rather, Plaintiff’s response must set forth specific facts supported by admissible
10 evidence, *i.e.*, affidavits or certified deposition testimony, answers to interrogatories, or
11 properly authenticated documents, that contradict the defendant’s declarations and show that
12 there is a genuine issue for trial. *See id.; see also Keenan v. Allan*, 91 F.3d 1275, 1279 (9th Cir.
13 1996) (quoting *Richards v. Combined Ins. Co.*, 55 F.3d 247, 251 (7th Cir. 1995), and stating
14 that it is not a district court’s task to “scour the record in search of a genuine issue of triable
15 fact”).

16 If Plaintiff does not submit his own evidence in opposition, summary judgment, if
17 appropriate, may be entered against him. If summary judgment is granted, Plaintiff’s case will
18 be dismissed and there will be no trial. *See Rand*, 154 F.3d at 953-54.

19 **IT IS SO ORDERED.**

20 Dated: January 27, 2015


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

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